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INDIAN INTEGRATION IN PERU, 1820-1948: AN OVERVIEW *

SINCE the days of the Spanish conquest, Peru has been a predominantly Indian nation; today nearly half of the population is culturally Indian. Scholars and government officials for centuries have recognized the vital importance of integrating this human mass into the national life. Despite repeated efforts to alter the situation, however, the Indian population remains isolated economically, politically, and educationally.

Throughout the colonial period the Spanish Crown unsuccessfully sought to regulate Indian life and the interrelationship between Indians and Spaniards. Spain officially encouraged Indian private enterprise and private ownership of land (in contrast to the Indian system of communal landholding as exemplified by the *communidad*), but placed restrictions on such ownership which virtually negated the policy. One scholar has written: "The Spanish were anxious on the one hand to encourage the growth of a responsible sense of individual property among the Indians, and on the other hand to impose caste limits upon Indian ownership." [1] The objective was to prevent the Indian from

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[1] George Kubler, "The Quechua in the Colonial World," *The Andean Civilizations*, Vol. II of *Handbook of South American Indians*, ed., Julian Steward (Washington, D. C.: Government Printing Office, 1946), 374. Indian *comunidades*, mentioned frequently in this paper, have their origins in the Inca comunal landholding system, the Ayllu. Throughout the years of Spanish rule, crown administrators sought to submit the *comunidad* to royal control. The *Laws of the Indies*, for example, took cognizance of the existence of the *comunidades* and strove both to incorporate them into the colonial administrative structure and to protect the land of their inhabitants. Some republican governments and leaders likewise attempted to preserve this communal system and much of the history of Indian legislation revolves around these efforts. Today in Peru there are over 5,000 Indian *comunidades*, many of which have now been recognized and registered by the national government. The historical literature of the *comunidad* is too extensive to treat here. However, in addition to the works cited below, the reader is directed to the following: Hildebrando Castro Pozo, *Nuestra comunidad indígena* (Lima: Editorial "El Lucero," 1924); Carlos Valdez de la Torre, *Evolución de las comunidas de indígenas* (Lima: Editorial Euforion, 1921); Ulrich Peter Ritter, *Comunidades indígenas y cooperativismo en el Perú* (Bilbao: Ediciones Deusto, 1965); and José María Argüedas, *Las comunidades de España y del Perú* (Lima: Imprenta de la Universidad Nacional Mayor de San Marcos, 1968).

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developing new needs, thereby reducing the danger of revolt. One Peruvian scholar asserted that the Indian was

> converted into a nearly irrational being, with a standard of living lower than that of work animals and only a little higher than that of the llama, the beast of burden. All that remained was the desire for personal preservation, which in this case, was economically, historically, and sociologically the striving to defend his family.[2]

The educational and social level of the Indian precluded his understanding the Independence movement. He fought for whichever group recruited him, with little or no notion of why he was fighting.[3] For their part, the leaders of the Independence often held a simplistic view of the Indian problem. Imbued with the ideals of the French Revolution, they failed to realize that Indian assimilation would require many years. In seeking to give all men equal political and economic rights, they submerged the Indian still further.[4]

José de San Martín issued a number of decrees which abolished the Indian tribute, declared the Indian a citizen of Peru, and abolished all forms of personal service, particularly the *mita* or forced Indian labor draft. Those decrees were liberal, even radical, but they were not obeyed.[5] Peruvian society was in a semifeudal state when the colonial period ended, and the new central government lacked the means to enforce its decrees. Decrees issued by Simón Bolívar in 1824 and 1825 actually had the effect of depriving Indians of their lands.[6] Bolívar felt that the communal system was injurious to the Indian and not sufficiently productive agriculturally. Since he believed Peru would not progress as a nation until the Indian *comunidades* were broken up, the aim of his decrees was to make the Indians yeoman farmers. However, because the decrees lifted previous restrictions on acquisition of Indian

[2] Hildebrando Castro Pozo, "Social and Economico-Political Evolution of the Communities of Central Peru," *The Andean Civilizations*, Vol. II of *Handbook of South American Indians*, ed., Julian Steward (Washington, D. C.: Government Printing Office, 1946), 495.

[3] *Ibid.*, 496.

[4] Victor Andrés Belaúnde, *Meditaciones peruanas* (2nd ed.; Lima: Talleres Gráficos P. L. Villanueva, S. A., 1963), 73.

[5] For examples of San Martín's Indian decrees, see: Perú. Ministerio de Trabajo y Asuntos Indígenas. Dirección General de Asuntos Indígenas, *Legislación indigenista del Perú* (Lima: Talleres Gráficos de la Penitenciaría Central, 1948), 7-9. (Hereafter cited as PMTAI, *Legislación*.

[6] For the texts of Bolívar's decrees which abolished Indian communal land ownership, personal service, and the title of "Cacique," see: PMTAI, *Legislación*, 9-11; and Comisión de Historia, *Próceres del Perú: Felipe Santiago Estenós* (Buenos Aires: Ediciones del Instituto Peruano de Sociología, 1955), 70-75.

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land by *hacendados*, new *haciendas* sprang up and old ones were expanded.[7] Indians who had been communal farmers became little better than serfs. Thus, Bolívar inadvertently contributed to the worsening of an already intolerable situation.

The thrust of Bolívar's decrees was perpetuated for a century. The Constitutions of 1828, 1834, and 1839 all placed restrictions on suffrage from which the Indian was supposedly exempt, but these restrictions were used to prevent Indians from taking part in the governmental process. There were additional attempts in the 1830's and 1840's to promote Bolívar's nation of small farmers during which the break up of the *comunidades* increased proportionately. The degree of Indian land transfer in this period was so pronounced that the Congress attempted to halt the process, but to no avail. The Indian tribute continued to be collected, and all Indians were expected to provide special free services both for the government and for private landowners.[8]

Especially invidious for the Indian was the Civil Code (*Código Civil*) of 1852. In adopting much of the Napoleonic Code, the embodiment of the extremely individualistic French response to the problems of feudalism, Peruvian legislators ignored the Indian and the *comunidad*,[9] a situation that opened the way to new encroachments by *hacendados*. Under the code any land could be sold, and no provision existed for collective ownership. The code allowed freedom of contract to all, including the illiterate Indian, and thus made possible subsequent exploitive labor systems. Given the abuses common in labor contracts, one might deduce that the Code of 1852 recognized the legality of slavery.[10] The immediate and long-range effects of the code were devas-

[7] Mario C. Vásquez, *Hacienda, peonaje y servidumbre en los Andes peruanos* (Lima: Editorial Andinos, 1961), 16-17; Manuel D. Velasco Núñez, *Compilación de la legislación indigenista concordada* (Lima: Editora Médica Peruana, S. A., 1959), xii-xiii; and Cirilio A. Cornejo, *Visión objectiva del problema indígena. Planteamiento y solución inmediata* (Lima: Ediciones Continente, 1956), 155-156.

[8] For the texts of Indian laws in the 1830's and 1840's, see: PMTAI, *Legislación*, 21-34. See also: Felipe de la Barra, *El indio peruano en las etapas de la conquista y frente a la república: ensayo histórico-militar-sociológico y con proposiciones para la solución del problema indio peruano* (Lima: Talleres Gráficos del Servicio de Prensa, Propaganda y Publicaciones Militares, 1948), 152-153; Atilio Sivirichi, *Derecho indígena peruano. Proyecto de código indígena* (Lima: Ediciones Kuntur, 1946), 114; and Carlos Rodríguez Pastor, "Derecho peruano del trabajo," *Perú en cifras: 1944-1945* (Lima: Ediciones Internacionales, Empresa Gráfica Scheuch, S. A., 1945), 367-368.

[9] Jorge Basadre, *Perú: problema y posibilidad. Ensayo de una síntesis de la evolución histórica del Perú* (Lima: Librería Francesca Científica y Casa Editorial E. Rosay, 1931), 117-118.

[10] There are several critiques of the effects of this code. For example, see: Velasco

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tating. The process of *comunidad* destruction was accelerated. What legal protections remained were vitiated by the fact that prefects, subprefects, judges, and other officials usually took the side of the *hacendado* in local legal disputes. In some areas of the nation, it was a wonder that any *comunidades* survived.

In the 1850's, President Ramón Castilla took several important steps toward improving Indian conditions by freeing the Negro slaves, abolishing the Indian tribute, and suppressing the practice of taxing Indians for internal travel. Historians have long debated whether Castilla acted out of humanitarian liberalism or political expediency. Although there is evidence that both motives were involved in his decision, it is noteworthy that he was in the midst of a revolution in 1854 in which he desperately needed support, and that he tried to reestablish the tribute soon after the hostilities ceased.[11] President Mariano Ignacio Prado succeeded in reimposing the Indian tribute in 1866, which provoked an Indian uprising in Huancané which was brutally suppressed.[12]

The *Civilista* Party and President Manuel Pardo in the 1870's placed new emphasis on Indian education as a means of incorporating the Indian into Peruvian life. Local landowners and officials fought these plans as did the Catholic church which was both frightened of losing its traditional hegemony in the field of education and suspicious of the influx of liberal ideas from Europe and the United States. Moreover, education of Indians went counter to church beliefs that the purity of the Indian could only be preserved by preventing his contact with the corrupt urban society. Though Pardo failed to improve Indian education, his attitude indicated that some leading civilian politicians had become concerned with the state of the Indian and had proposed to act.[13]

Núñez, *Compilación*, xiv; Abelardo Solís, *Ante el problema agrario peruano* (Lima: Editorial "Perú," 1928), 59-61; and José Pareja Paz-Soldán, *Geografía del Perú* (Lima: Librería Internacional del Perú, S. A., 1950), I, 188.

[11] For a discussion of the historiography of this debate, see: Fredrick B. Pike, *The Modern History of Peru* (London: Weidenfeld & Nicolson, 1967), 103. See also: Felipe de la Barra, *La abolición del tributo por Castilla y su repercusión en el problema del indio peruano* (Lima: Ministerio de Guerra, Servicio de Prensa, Propaganda y Publicaciones Militares, 1956).

[12] Jorge Basadre, *La multitud, la ciudad, y el campo en la historia del Perú* (2nd ed.; Lima: Editorial Huascarán, S. A., 1947), 243-244; and Virgilio L. Roel Pineda, *El sendero de un pueblo* (Lima: Editorial "Garcilaso," 1955), 98.

[13] For a discussion of Pardo's educational goals and church reaction to them, see: Pike, *Modern History of Peru*, 135-137. See also: Evaristo San Cristóval, *Manuel Pardo y Lavalle, su vida y su obra* (Lima: Editorial Gil, 1945), 286-290; and Francisco

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The Indian, however continued to be oppressed and his condition to be used as a political football.

In the War of the Pacific (1879-1883), the Indians did the bulk of the fighting, rarely knowing for whom or for what they were struggling and dying. Many thought the war was between General Chile and General Peru. The war did nothing to improve the Indian's situation and in most areas his condition worsened. His frustration and hatred at last led him to widespread violence, such as the bloody uprising in 1885 at Huaráz, in the northern coastal department of Ancash. The administration of Prefect Noriega had committed extreme abuses against the Indians. They were fined, whipped, and forced to work free on public projects, the material for which was often stolen from the Indians. Noriega had reestablished the head tax on Indians and required licenses for occupation of territory, and he jailed those who failed to apply or did not renew their licenses.[14] Indian leader Pedro Pablo Atusparia finally presented the prefect with a memorial on behalf of the Indians. He was jailed and whipped and fourteen mayors who had accompanied him received the same treatment. When Indians marched to Huaráz to ask for the release of the prisoners, the authorities, instead of attempting conciliation, attacked them. Although all but unarmed, the Indians succeeded in capturing the city and in taking Yungay a short time later.[15] But against a few Indians with rifles, the majority armed only with machetes and small spears, the government held a preponderance of power and in the end, "Indians died like ants." [16]

To the government in Lima this revolt represented merely another example of the "Indian Danger." Nothing was done to prevent further violence. The government, indeed, repeated past mistakes. By Supreme Decree of September 30, 1886, all Peruvians were required "to contribute their personal labor *or the labor of their peons* for the reparation of bridges and roads whenever there is a lack of special funds for this type of work." [17] Similar laws had provided the foundation for uprisings like the one in Huaráz.

García Calderón, *Diccionario de la legislación peruana. 2a. ed. corr. y aum. con las leyes y decretos dictados hasta 1877* (Nancy, France: Typographie G. Crepin-Leblond, 1879), II, 901.

14 There are several accounts of this uprising. The best are: Basadre, *La multitud*, 244-248; and François Bourricaud, *Poder y sociedad en el Perú contemporáneo*, trans. Roberto Bixio (Buenos Aires: Editorial SUR, S.A., 1967), 85-86.

15 Basadre, *La multitud*, 245-247.

16 Bourricaud, *Poder y sociedad*, 85-86.

17 Rodríguez Pastor, "Derecho peruano," 368. The underlining is mine.

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The last decade of the nineteenth century saw the rise of a true *indigenismo* which was to have tremendous import for twentieth-century Peruvian history. Many intellectuals in Peru in the 1870's had adopted Auguste Comte's philosophy of Positivism. They believed that the intellectual elite, using the tools of scientific investigation, could effect sweeping changes in economic and social structures. Also influenced by social Darwinism, these men viewed the Indian as an inferior being responsible for the ills of the country. The loss of the War of the Pacific undermined this philosophy; it was difficult in a defeated, prostrate nation to argue for the survival of the fittest. The philosophy which emerged, termed Neo-Positivism by one historian,[18] reversed the view of the Indian. Many intellectuals decided that had the Indian been incorporated into the national life, Peru would have won the War of the Pacific.[19] It followed, therefore, that future development and modernization would require assimilation of the Indian.[20]

The most influential of the neo-positivists, and one of the great literary figures in Peruvian history, was Manuel González Prada. González Prada underwent fundamental changes during the War of the Pacific.[21] He had fought in the Battle of Miraflores, and after the Peruvian defeat he retired to his home, where he remained until the end of the Chilean occupation. The war and the occupation altered his life pattern. He had seen Indians fight and die for a country that despised them, and he adopted their cause as his own. The quiet poet of 1878 became a "polemicist and a tireless agitator." [22]

González Prada in 1888 delivered a blistering speech, in which he attacked the smug Limeños with the assertion that Peru's ruling class was divided into those that govern, those that conspire, and those who are indifferent because of their own egotism. He held that the real Peru embodied not the creoles and foreigners who lived on the coast,

[18] Pike, *Modern History of Peru*, 159-160.

[19] See: V. A. Belaúnde, *Meditaciones*, 192-193; Eugenio Chang-Rodríguez, *La literatura política de González Prada, Mariátegui y Haya de la Torre* (México, D.F.: Ediciones de Andrea, Colección Studium, 1957), 108-109; and Luis Alberto Sánchez, prólogo a Manuel González Prada, *Baladas peruanas* (Santiago de Chile: Editorial Ercilla, 1935), 14-15.

[20] For an examination of Positivism, Neo-Positivism, and the representatives of these doctrines, see: Pike, *Modern History of Peru*, 159-168.

[21] The best biography of González Prada is still Luis Alberto Sánchez, *Don Manuel* (3rd. ed.; Santiago de Chile: Ediciones Ercilla, 1937). This work was reprinted in 1965 by the Universidad Nacional Mayor de San Marcos, but citations here are from the 1937 edition.

[22] L. A. Sánchez, prólogo a González Prada, *Baladas peruanas*, 14.

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but the great mass of Indians who inhabited the sierra and for three hundred years had lived in ignorance and slavery, abused and exploited by "that Indian brutalizing trinity," the judge, the governor, and the priest. He called for the education of the Indian and his incorporation into the national life. Only then, he asserted, would Peru recuperate and reenter the world as a proud nation.[23]

González Prada initiated a new form of *indigenismo* in the history of Peru and many followed his lead. His disciples introduced a new trend in literature. Mercedes Cabello de Carbonera in 1885 published an article about an Indian fiesta in which she vehemently attacked the exploitation of the Indian. José T. Itolarrares, three years later, published an *indigenista* novel, *La trinidad del índio o costumbres del interior*, and finally, in 1889, Clorinda Matto de Turner published her *Aves sin nido* which one scholar asserts "initiated the *indigenista* novel in America."[24]

González Prada enjoyed far more than literary influence. The polemicist instilled a new patriotism in a country badly discouraged by a disastrous war. An iconoclast, he severely criticized Peruvian life and culture without regard for sacred cows or heroes. He aligned himself with the poor and the disadvantaged in the society, and believed in man's ability to effect sweeping changes. His forceful and eloquent support of the Indian succeeded in pricking the conscience of the apathetic *costeño*. His devastating attacks on the clergy and on the doctrines of the Catholic church left their mark, particularly in the areas of Indian exploitation and public education.[25]

Yet, González Prada has been attacked as an intellectual fraud, as a man suffering from an inferiority complex, who, in search of a public not likely to attack him, turned to the Indian. He has been accused of adopting a 'phoenix approach" to Peruvian politics and of trying to inflame the already existing discord and antagonism between the coast and the sierra, the Indian and the white, the rich and the poor, the satisfied and the desperate, the young and the old, the believer and the

[23] Manuel González Prada, *Páginas libres* (Lima: Fondo de Cultura Popular, 1966), I, 61-63.

[24] Chang-Rodríguez, *Prada, Mariátegui y Haya*, 110. He further asserts: "Aqui el indio deja ser adorno literario para convertirse en protagonista en la literatura americana."

[25] For an analysis of these and other points, see: Jorge Basadre, *Historia de la república del Perú* (5th ed.; Lima: Talleres Gráficos P. L. Villaneuva, S. A., 1961-1964), VI, 2851.

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atheist.[26] He has also been scorned for failure to employ scientific method and for a lack of direction and concrete ideas.[27]

However, one does not always have to have solutions in hand to be an effective critic; nor is it necessary to paint the good in society while depicting the bad. Though González Prada may have been guilty of excess, of basing his conclusions on superficial evidence, and of not writing scientific, social, and economic studies, these failings do not detract from his importance as a writer and political gadfly. He did not wish to burn Peru, only repair and regenerate her. He did not wish to destroy one segment of society, but uplift another. His writings, though at times discouraging, did not contain gloomy predictions of a coming Armageddon, but concentrated on correctable ills within the culture. Despite shortcomings, he assumed his task with vigor and humanity. He was a diagnostician, not an executioner, and his patient was Peru.

Despite the insights of González Prada, the nineteenth century offered the Indian little relief from his long-standing oppression. The abandonment of the protective *Laws of the Indies* and the liberal policies espoused by the liberators and subsequent officials led to the Indian being systematically deprived of his land and his liberty. Emphasis on precepts of equality before the law and protection of private property resulted in subsidization of the landed oligarchy and misery, oppression, and illiteracy for the Indian. National legislation designed to protect the Indian was neither obeyed by the people nor enforced by the government. No coherent Indian policy is evident in the conflicting legislation that characterizes the century.

Chronological divisions are at times useful historical tools with which to view the steady progression of events that contain a clear developmental pattern. The danger is the tendency to view the transition from one century to another as the watershed in the study of any given topic. For the Peruvian Indian, nothing could be further from the truth. The first four presidents in the twentieth century, Eduardo López de Romaña, Manuel Candamo, José Pardo, and Augusto B. Leguía, offered neither attitudes nor programs that constituted any departure from previous governmental practice. There was no change in government policy toward the Indian *comunidad*. The 1902 water code dealing with irrigation rights once again treated the *comunidad* as a group of

[26] Carlos Miró Quesada Laos, *Pueblo en crisis*, (Buenos Aires: Emecé Editores, S. A., 1946), 63-65; and Pike, *Modern History of Peru*, 178-180.

[27] V. A. Belaúnde, *Meditaciones*, 148-149, 159-162.

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individuals rather than a legal entity.[28] Not only were there no programs to aid the Indian population, but the thesis that European immigration would be one of the principal solutions to Peru's problems is clearly implied in presidential messages, pronouncements by public officials, and political party platforms. It was held that the presence of more Europeans would help move the country forward and their admixture into the population was expected to improve the race. The very conceptualization of the situation in these terms precluded substantive attention to the Indian.

The Indian situation, in short, particularly in the south of Peru around Lake Titicaca, continued to deteriorate. The Chamber of Deputies in 1901 named a commission to study complaints of the Indian *comunidad* of Chuquito in the Department of Puno. Unlike many of the commissions and officials charged with investigatory duties in the past, this commission worked to produce an honest, analytical report. It scored, as had González Prada, the brutalizing trinity of the governors, the priests, and the justices of the peace who repeatedly mistreated the Indian. It called attention to many unfair practices: inequitable taxes imposed on Indian real property, considered to be comparable to the earlier Indian tribute; Indian labor recruitment that resembled the old colonial *mita* with the only remuneration being a small quantity of coca or alcohol; special tax levies to pay for monuments and other public works; justices of the peace and priests imposing fines at will. In the sale of wool and livestock, commercial entrepreneurs, with the acquiescence or even cooperation of government officials, set prices far in advance of the collection date and, therefore, forced the Indian to accept payment calculated without reference to existing market prices.[29]

The prefect of Puno issued a corroborative study,[30] but the two documents became buried in the Lima governmental bureaucracy and failed to produce any government action. Special committees were appointed in the Senate and Chamber of Deputies, but announced debates on the proposals were never held and no legislation was introduced. Nor did new uprisings in Chuquito in 1903 and 1905 alter the situation. The abuses continued; the guilty went unpunished; the Indian continued to suffer.[31]

[28] PMTAI, *Legislación*, 159.

[29] Basadre, *Historia de la repúbliica*, VII, 3482-3483; and Sivirichi, *Derecho indígena*, 142-143.

[30] Pedro Yrigoyen, *El conflicto y el problema indígenas* [sic] (Lima: Sanmarti y Cía., 1922), 11-13.

[31] Basadre, *Historia de la república*, VII, 3483-3484.

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Congress in 1909 finally intervened in the governmental oppression of the Indian. After heated and lengthy debate, it passed a law (No. 1183) which prohibited any government authority from requiring free services of Indians or peons for public or private projects and provided the penalty of one year in jail for infractions.[32] That Congress had finally accepted its responsibility makes passages of this law particularly important in the development of Indian legislation. However, its reception by advocates of Indian reform was not completely enthusiastic. They attacked the law on the grounds that it solved only part of the problem, that it should have included private individuals, particularly the great landowners who still practiced forms of personal service.[33] One critic asserted that perhaps the most serious violator of Indian rights was the *hacendado* who manipulated existing laws, and used threats and actual overt armed force against the lives and property of the Indian.[34] And since the new law made no mention of overt or covert governmental acquiescence in the abuses committed on the *haciendas* or by private companies, its effect was negligible.

Congress debated and passed several other Indian laws, and outside pressure groups spurred an increase in congressional consideration of Indian affairs. The best organized and most powerful lobby was the Pro-Indian Association founded in 1909 by Pedro S. Zulen. Its directors were three of the most outstanding *indigenistas* in the country: Zulen, Dora Mayer, and Senator Joaquín Capelo, probably the Association's most powerful and influential member.

As a private body the Association was not subject to the same official pressures that had characterized earlier official and semiofficial organizations. It created delegations in all areas of the Republic to report abuses committed against the Indian and publicized these injustices in the national press, its own publications, and public debates. Special Association commissions were sent to investigate uprisings or other disturbances which affected Indians, and a board of lawyers was created to defend

[32] For the text of the law, see: PMTAI, *Legislación*, 39-40. For Senate debates, see: Perú. Congreso. Cámara de Senadores, *Diario de los Debates de H. Cámara de Senadores. Congreso Ordinario de 1908* (Lima: Imprenta de "El Diario," 1908), August 3, 1908, 31-37. (Hereafter all references to the Diario will be cited PDD followed by the year, the house, the date, and the page number.)

[33] See a speech by Senator Joaquín Capelo from Junín in PDD, Ordinario de 1908, 33-36.

[34] Magdaleno Chira C., *Observaciones e indicaciones básicas de legislación indígena. Elevadas a la Comisión Parlamentaria respectiva de la Honorable Asamblea Constituyente de 1931 por . . .* (Lima: Imprenta "Hispano-América," 1932), 44.

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without charge all Indians involved in civil and criminal cases. The Association began a compilation of all existing Indian legislation (a project never completed) and tried to inform the Indian of his constitutional and legal rights.[35]

Though attacked by one historian as being " a weak voice which often went unheard and was even received with jeers," [36] the Association did help to influence government officials. Senator Capelo's support of Indian legislation was a deciding factor in many Senate debates. He also used his position to denounce public and private Indian abuse. It would appear that the few Indian laws passed in the second decade of the twentieth century, as well as the legislation in the early 1920's, were directly or indirectly influenced by this group. A clearing house for *indigenista* thought and a center for the *indigenista* movement, the Association served an important function in the development of a national awareness of the Indian plight.

The most important Indian law of the second decade was passed in 1916. It provided that no Indian could be forced to work in any agricultural or industrial capacity if his wages were not paid in currency. The minimum daily wage was set at twenty centavos apart from any concessions of land for crops or grazing. If the owner distributed food or other items, their total value could not exceed the total weekly earnings of the laborer, a provision designed to prevent further development of debt peonage. Employees who worked on a *hacienda* that did not pay wages on a daily basis could leave with their animals and personal belongings.[37]

Congress was attempting to guarantee the Indian proper payment for his labor and to end the practices of paying wages with useless and overpriced items instead of cash. Ironically, the sections of the law dealing with money wages and with the prohibition against employing the Indian against his will were lifted almost verbatim from one of Simón Bolívar's decrees. After one hundred years the government was still trying to enforce basic legislation by reenacting it. No better evidence of governmental negligence and corruption exists. Nor did the negli-

[35] For a sympathetic account of the Association's work, see two works by Dora Mayer de Zulen, *Estudios sociológicas d actualidad* (Callao: Imprenta Colegio Militar Leoncio Prado, 1950), 101-102; and *El indígena peruano a los cien años de república libre e independiente. Editado por . . . para el Centenario Nacional, Lima–1921* (Lima: Imprenta Peruana de E. Z. Casanova, 1921), 89-95.

[36] Basadre, *Historia de la república*, VIII, 3658-3659.

[37] For the texts of the debates and of the law itself, see: PDD, Ordinario de 1916, Senadores, August 4, 1916, 51-52; and August 10, 1916, 85-91.

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gence cease. The law could have had far-reaching implications for the economic and social life of the Indian had it been enforced, but landowners and local governmental officials refused to obey it, and the executive branch of the government had neither the desire nor the power to make the law a reality.

The second inauguration of Augusto B. Leguia in 1919 is a major turning point in Peruvian history. Throughout his eleven-year rule, Leguía sought to revolutionize Peruvian society. In order to alter the political structure, he systematically destroyed the old political parties and sought to break the economic and political power of the *civilista* elite which had ruled the country since the 1870's. Leguía was an astute politician who used issues and events to further his own political career. One issue he used was Indian integration. Upon taking office Leguía launched the most extensive program of Indian legislation ever attempted in Peru. The period 1919-1924 produced a total number of Indian laws, decrees, and resolutions which exceeded that of the preceding one hundred years.

Leguía's first major act was to call a National Assembly to draft a new constitution. The document promulgated in 1920 contained many notable provisions. Among the most important were those dealing with Indians and Indian *comunidades* for they represented a radical departure from the post-Independence legal philosophy that had denied the Indian *comunidad* recognition as a legal entity and prevented enactment of protective legislation applicable only to Indians. Article 58 read: "The State will protect the Indian race and will dictate special laws for its development and culture in harmony with its necessities. The nation recognizes the legal existence of the Indian *comunidades* and the law will decide the rights that correspond to them."[39] Another section stated that the lands of the state, of public institutions, and of Indian *comunidades* were imprescriptible and could only be transferred by means established by law.

The new Constitution provided much of the impetus for the increased *indigenismo* which developed in the intellectual community. Several comprehensive Indian codes were drafted by intellectuals in the early 1920's, and there were demands for the creation of special Indian study commissions. Leguía did name one such commission to be headed by

[38] See: C. A. Cornejo, *Visión objectiva*, 88-89; and de la Barra, *El indio peruano*, 153-154.

[39] PMTAI, *Legislación*, 40.

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Erasmo Roca, an official in the Ministry of Development and a leading *indigenista*. Leguía stated that he expected the commission to propose "efficient methods for arriving at the desired goal in the shortest time possible,"[40] but when many Indians presented complaints and the *hacendados* became alarmed, the president bowed to pressure and recalled the commission.[41]

Leguía masqueraded as Peru's leading *indigenista*, and he even referred to himself as Viracocha, a white Inca god. He often stated that special Indian legislation was indispensable, especially specific laws which would protect Indian property, and to this end, he created a Bureau of Indian Affairs in the Ministry of Development.[42] The creation of the Bureau was a response to a century-long need for a governmental agency that would limit itself to the consideration of Indian problems. The Bureau, however, failed to become an effective instrument for handling Indian problems. Statistical information was spotty and local officials refused to cooperate. Special commissions were never named and representatives were rarely sent to investigate Indian uprisings. Lacking files and commissions the Bureau received no support from either the Congress or the Executive, and although Leguía often praised the agency, he left it to its own devices, thereby destroying its chances for success.[43]

Leguía's flair for the spectacular led him to initiate many grandiose Indian projects that accomplished little. One, introduced with great fanfare, was the *Patronato de la Raza Indígena* (Guardianship of the Indian Race) which was supposed to provide protection for the Indian and to better his social, political, and economic conditions. Although Leguía praised the *Patronato* and stated that it "had given excellent results," the agency lacked the power to force arbitration between *hacendados* and Indians and became a bureaucratic boondoggle that issued meaningless mountains of paper. Some *indigenistas* even accused

[40] Unsigned, *La evolución del Perú en el quinquenio, 1919-1924* (Lima: Talleres Tipográficos de La Prensa, 1924), 141.

[41] Basadre, *Historia de la república*, IX, 4189. For an example of *hacendado* pressure, see: Liga de Hacendados, Arequipa, *Memorial relativo a la cuestión indígena que la Liga de Hacendados eleva al supremo gobierno, aprobado por su comité ejecutivo en sesión de 15 de mayo de 1922 y sancionado por la asamblea general de 10 de junio del mismo año* (Arequipa: Tip. S. Quiroz, 1922).

[42] PMTAI, *Legislación*, 41-44; and Guillermo U. Olaechea, *La constitución del Perú por la Asamblea Nacional de 1919. Comentada, anotada y concordada con las leyes plebiscitarlas y decretos, reglamentos y resoluciones referentes a ella hasta 1922* (Lima: Imprenta Americana, 1922), 386-389.

[43] For more on the agency, see: Chira C., *Observaciones*, 46-50. See also: Augusto B. Leguía, *Mensaje presentado al Congreso Ordinario de 1924 por el Presidente de la república* (Lima: Imprenta "Garcilaso," 1924), 67.

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the *Patronato* of siding with *hacendados,* and favoring powerful socio-economic interests over those of the humble Indian.[44]

Much of the value of the Indian legislation promulgated during the Leguía years was nullified by Leguía's use of a program known as *conscripión vial* (road conscription). The law, signed by Leguía in 1920, required all able-bodied male citizens, nationals and foreigners to work on roads in their home area. Those men bewteen the ages of 18 and 21 and those between 50 and 60 were to work six days a year; those between 21 and 50, twelve days each year. One could meet the obligation either by paying a daily wage or sending someone in your place.[45]

The intention of the bill's author was to improve the transportation network of the nation without straining the federal budget. He felt that it was just because it applied equally to all men; yet, he recognized and approved of the fact that the bulk of the work would fall upon the Indian. There was precedent for such required labor in the Inca past, and he argued that the Indian *comunidades* should be mobilized to meet the needs of the program. Old Inca customs, he said, should be revived before they were lost forever.[46] Leading *indigenistas* attacked the law even before it was implemented. Some said it represented a denial of liberty, justice and democracy in Peru, and that it negated all previous Indian legislation. Others held that the law was merely another example of governmental oppression of the Indian.[47] Throughout Leguía's administration the controversy raged. Pro-Leguía officials and authors pointed proudly to the roads being built, and the *indigenistas* pointed to the oppression.

[44] For several examples of attacks against the *Patronato,* see: Moisés Sáenz, *Sobre el indio peruano y su incorporación al medio nacional* (México, D. F.: Secretaria de Educación Pública, 1933), 208-209; Moisés Poblete Troncoso, *Condiciones de vida y de trabajo de la población indigena del Perú* (Ginebra: Oficina Internacional del Trabajo, 1938), 160-161; and Mayer de Zulen, *Estudios sociológicos de actualidad,* 103-105.

[45] For the text of the original proposal which ultimately became law, see: Carlos Oyague y Calderón, *La conscripción vial ó servicio obligatorio de caminos. Ideas generales y argumentos que pueden servir de base para el estudio de una ley* (Lima: Imprenta del Centro Editorial, 1915).

[46] *Ibid.,* 10-15.

[47] Cesáreo Vidalón Menédez, *El problema indígena. Breve estudio histórico-sociológico-legal de la materia* (Lima: Imprenta Peruana de E. Z. Casanova, 1920), 20; *La Crítica,* April 20, 1920, and *El Comercio,* April 29, 1920, both reprinted in Mayer de Zulen, *El indigena peruano a los cien años,* 112-114, 149-150; Luis F. Aguilar, *Cuestiones indígenas* (Cuzco: Tipografía de El Comercio, 1922), 72; and Mayer de Zulen, *El indígena peruano a los cien años,* 33-34, 84-88.

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Thousands of kilometers of roads were constructed or improved under Leguía and hundreds of small villages gained access to the "outside world," thereby altering life patterns and speeding the integration of those Indians affected. But such gains were offset by the cost in Indian life and suffering. Badly dressed and poorly fed, with diseases and injuries left untreated, they died by the thousands in road construction. Indians were forced to work in provinces far from their homes, leading to the destruction of their families.[48] Apologists for Leguía later asserted that he was unaware of such results, but this is doubtful. Examples of abuse and repression were well publicized both in and out of Congress. Driven by a desire to modernize the country, Leguía probably believed his road program was more important than the well-being of the Indian.

Leguía devoted the latter part of his regime to recognition and registration of *comunidades* and to Indian education. He had very limited success in both areas, yet he claimed that he had liberated the Indians from slavery and had moved them closer to integration. He praised Indian culture and history and asserted that his goal had always been to uplift the Indian and renew the great spirit which had built the Inca Empire.[49]

Opponents of the Leguía regime deny that he aided the Indian. Some, acknowledging that laws were passed, contend that nothing substantive resulted and accuse Leguía of sentimental romanticism. Others charge that by adopting the title of Viracocha and by creating the *Patronato*, Leguía used the Indians as a political tool, but had no thought for their welfare. Still others accuse him of personally having perpetrated Indian massacres and of having been responsible for the deaths of thousands of Indians.[50]

Leguía spoke eloquently about Indian reform and integration. He sponsored numerous laws, resolutions, and decrees, but he sought neither

[48] See C. A. Cornejo, *Visión objectiva*, 59-61; Mariano Peña Prado, *El dominio del estado en el Perú* (Lima: "Editorial Minerva," 1934), 49-52; Roel Pineda, *El sendero*, 118; and Fernando Belaúnde Terry, *Peru's Own Conquest* (Lima: American Studies Press, 1965), 110-112.

[49] See: Augusto B. Leguía, *Leguía. Colección de discursos pronunciados por el Presidente de la republica, señor don Augusto B. Leguía durante el año 1928* (Lima: Editorial "Cahuide," 1929), 24-26, 111; and José E. Bonilla, ed., *El siglo de Leguía, 1903-1928* (Lima: T. Scheuch, 1928), 64-65.

[50] For examples of these charges, see: de la Barra, *El indio peruano*, 158-159; José Pareja Paz-Soldán, *Derecho constitucional peruano* (4th ed.; Lima: Ediciones Librería Studium, 1966), 146; Carlos Miró Quesada Laos, *Pueblo en crisis* (Buenos Aires: Emecé Editores, S. A., 1946), 87; and Abelardo Solís, *Once años* (Lima: Talleres Gráficos Sanmarti y Cía, S. A., 1934), 8-9, 58.

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strict implementation nor enforcement. He claimed to be a champion of land reform, but he stopped short of actually returning lands to the Indians. *Conscripción vial* must stand as one of the most exploitive measures in Peruvian history, yet Leguía could call for Indian protection in one breath and praise his road program in another. Leguía declared himself the enemy of landed interests, but he bowed to their will and the condition of the Indian worsened during the eleven years of his rule.

Although Leguía himself failed to help the Indian, the *indigenismo*, which he publicly promoted, developed and matured in politics, literature, music, and art. Men such as José Carlos Mariátegui and Hildebrando Castro Pozo in politics, Alejandro Peralta and Augusto Aguirre Morales in literature, Julio C. Tello in archeology, and José Sabogal in art initiated a movement which later influenced Peruvian culture.[51]

The unofficial leader of this group was José Carlos Mariátegui, a forceful proponent of *indigenismo* and one of the great intellectuals in Peruvian history. Mariátegui's *indigenismo* was, in the broadest sense, a continuation of the work of Manuel González Prada, one of his intellectual mentors. But González Prada had been a member of the bourgeoisie while Mariátegui issued from the proletariat, which greatly influenced his philosophy.[52] He viewed the Indian problem in economic terms. He rejected Indian codes as a means for reform, because they would be predicated on the old feudal landholding system and could not treat the socioeconomic problems facing the Indian.[53]

Mariátegui excluded any hope for a religious solution because he thought the Catholic church had neither the power nor the influence to aid the Indian and that in any case most priests and bishops were controlled by *hacendados*. He did not believe that the Indian problem would be solved through education because the *latifundistas* were enemies of education, because ignorant peons offered few complaints, and because teachers were all imbued with feudal ideas. He viewed with alarm the demands for decentralization, inasmuch as any increase in local power would constitute a corresponding increase in the power of the *latifundistas* and other exploiters of Indians.[54]

[51] See: Basadre, *Historia de la república*, X, 4533-4536; Chang-Rodríguez, *Prada, Mariátegui y Haya*, 288; and Pike, *Modern History of Peru*, 233-236.

[52] Basadre, *Perú: problema y posibilidad*, 170.

[53] José Carlos Mariátegui, *Siete ensayos de interpretación de la realidad peruana* (10th ed.; Lima: Biblioteca Amauta, 1965), 34-39.

[54] *Ibid.*, 36-40, 138-139, 174-176, 186-188.

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Mariátegui's emphasis on what he termed the communism of the old Inca Empire led him to regard the *comunidad* as the basis for the new order. He believed that despite centuries of attack, it persisted with a vitality that protected the Indian and his culture, and that the uplifting of the Indian race depended principally on land reform. "The agrarian problem presents itself above all as the problem of liquidating feudalism in Peru." [55] Mariátegui had no influence on the Leguía administration, but he did influence an entire generation of intellectuals and politicians. His was not a fraudulent or politically inspired *indigenismo*. As one author averred: "He saw in *indigenismo* something more profound: the appearance of a new state of conscience in Peru, visceral and affectionate." [56]

The fall of Leguía in August, 1930, left Peru in economic, political, and social chaos. Except for the Constituent Congress which wrote the Constitution of 1933 and remained in operation until 1936, constitutional government functioned irregularly. The old political parties were dead and the myriad splinter parties that were founded after the 1930 coup d'état of Colonel Luis Sánchez Cerro further complicated the already confused political picture. With one exception, these parties were small, powerless, and devoid of those charismatic leaders necessary to attract great masses of people. The worldwide economic depression of 1930 also contributed to the disarray and increased the possibilities for violent social upheaval.

The only strong and viable party to emerge was the *Alianza Popular Revolucionaria Americana* (APRA), founded in 1924 by a young Peru-student leader, Víctor Raúl Haya de la Torre. An acknowledged admirer of González Prada, Haya reportedly developed a strong *indigenista* orientation early in his career,[57] but by 1931 he had considerably softened his tone. In a major speech in Lima's Acho bull ring in August, 1931, Haya barely mentioned the Indian problem, and in the *Plan of Immediate Action*, published in 1931 as the official party platform, be devoted only a short section to the Indian problem. The principal proposals designed to incorporate the Indian into national life were: pass legislation to conserve and modernize the *comunidad;* promote small

[55] *Ibid.*, 41-42. See also: 70-71, 85-89.

[56] Jorge Guillermo Llosa, *En busca del Perú* (Lima: Ediciones del Sol, 1962), 92.

[57] See: Alberto Baeza Flores, *Haya de la Torre y la revolución constructiva de las américas* (Buenos Aires: Editorial Claridad, 1962), 48; Felipe Cossío del Pomar, *Haya de la Torre, el indoamericano* (Lima: Editorial Nuevo Día, 1946, 26-27; and Luis Alberto Sánchez, *Raúl Haya de la Torre ó el político. Cronica de una vida sin tregua* (Santiago de Chile: Editorial Ercilla, 1934), 56-58.

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Indian industries and crafts; establish guidelines for revising work contracts between Indians and landowners; develop a general plan of education, taking into account the peculiarities of each region; establish rural Indian schools and use Indian languages in conjunction with Spanish; introduce agrarian cooperatives to help Indian farmers; and mount an energetic campaign against Indian consumption of alcohol and coca. Those sections of the Plan dealing with agriculture contained a program geared to redistribute land so as to create a class of Indian yeoman farmers.[58]

Despite impressive rhetoric, the Plan offered nothing new. Peruvian politicians, presidents, and intellectuals had been calling for the same reforms since the days of Simón Bolívar. Haya and his party merely followed the Peruvian political tradition that suggested Indian integration, voiced familiar campaign slogans, but failed to formulate the details necessary for effective implementation.[59] Moreover, Haya could not even claim a monopoly on *indigenismo* in the 1931 presidential campaign. Sánchez Cerro, Haya's principal opponent, likewise incorporated the Indian issue into his official *Program of Government*, in which he promised a wide range of economic, political, and social reforms similar to those of Haya himself.[60]

Despite Haya's strong appeals to the middle and lower classes, Sánchez Cerro utilized a combination of lower and upper class support to win the 1931 election. APRA's charges of fraud marked the beginning of a civil war between segments of the upper and middle classes which has lasted to the present. This "war" not only precluded effective government action on Indian integration, but it also forced Haya to weaken his *indigenista* program even further.[61]

The only important piece of Indian legislation to emerge from the Sánchez Cerro period was that section of the Constitution of 1933 dealing with Indian *comunidades*. The framers of the new Constitution attempted to complete and to expand the *comunidad* provisions of the

[58] For the text of Haya's Acho speech, see: Víctor Raúl Haya de la Torre, *El Plan de Acción*, Vol. IV of *Pensamiento político de Haya de la Torre* (Lima: Edicioines Pueblo, 1961), 19-67. For the text of the Plan of Immediate Action, see: Haya de la Torre, *Política aprista* (2nd ed.; Lima: Editorial-Imprenta Amauta, S. A., 1967), 9-30.

[59] For a revisionist analysis of Aprista *indigenismo*, see: Thomas M. Davies, Jr., "The Indigenismo of the Peruvian Aprista Party: A Reinterpretation," *Hispanic American Historical Review*, Vol. LI, No. 4 (November, 1971), pp. 626-645.

[60] Unsigned, *Programa del gobierno del Comandante Luis M. Sánchez Cerro, candidato a la presidencia de la república del Perú* (Lima: n. p., 1931), 35-36.

[61] Davies, "Indigenismo of the Aprista Party."

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1920 document, and the various Indian articles provided the legal structure upon which all succeeding legislation was based. It guaranteed the Indian protection of his lands, recognition of his *comunidades*, representation in local government, and promised a comprehensive legal code. The Indian section, in fact, was one of the most liberal and forward looking parts of the Constitution.

As with past legislation, however, enactment of laws favorable to the Indian was not necessarily followed by enforcement. Article 208, which provided for registration of *comunidades*, was slowly implemented. The Peruvian census of 1940 showed more than 5,000 Indian *comunidades*, but by the end of that year, only 794 had been inscribed, including 321 from the Leguía period.[62] Many *indigenistas* and legal experts considered Article 212, which called for an Indian code, to be the most important provision,[63] but the code was never written.[64] Other articles were enforced only sporadically. Sánchez Cerro issued no new legislation nor did he make any attempt to enforce past laws. Crimes against and oppression of Indians by government officials went unpunished. Despite his ringing campaign pronouncements, the president expressed little concern for the fate of the Indian.

The assassination of Sánchez Cerro in 1933 elevated General Oscar R. Benavides to the presidency. Like Leguía, he stressed road construction, and later pointed to his road program as being of "incalculable benefit to the nation. The highways assimilate in a natural, organic, and progressive manner the numerous Indian peoples that live for the most part isolated from our economic world. The system of roads seems to be the most positive method of converting the Indian into a true citizen." [65]

Representative Saturnino Vara Cadillo from Huánuco published a book in 1936 on the abuses committed during the construction of the Huánuco-Pucalpa Highway. He charged that the highway commission

[62] Henry F. Dobyns, *The Social Matrix of Peruvian Indigenous Communties* (Ithaca, New York: Cornell University Press, 1964), 3; and Juan José Vega, *La emancipación frente al indio peruano; la legislación indiana del Perú en la iniciación de la república: 1821-1830. Contribución al estudio del derecho peruano* (Lima: "Editorial San Marcos," Universidad Nacional Mayor de San Marcos, 1958), 26-29.

[63] See: Pareja Paz-Soldán, *Derecho constitucional peruano*, 421.

[64] Sivirichi, *Derecho indígena*, 140-141.

[65] Oscar R. Benavides, *El General Benavides a la nación. Mensaje del 25 de marzo de 1939* (Lima: Imprenta C. V. L., 1939), 24. Professor Pike (*Modern History of Peru*, 271), also praises Benavides' highway construction program, noting that 30,000 men were employed by 1936.

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had ordered officials in the Department of Huánuco to force all males between the ages of 16 and 60 to work on road construction. They were to work in rotations of fifteen days with one month off and were to be paid a daily wage of one *sol*. Vara Cadillo asserted that wages usually were not paid and that police and construction chiefs had employed coercion in recruiting men. Many Indians tried to escape, but were captured and forced to return to the construction camps. Local officials had in effect reinstated the outlawed *conscripción vial*.[66]

If highway practices were reminiscent of the Leguía period, so was Benavides' first major Indian law which created the Superior Council of Indian Affairs (*Consejo Superior de Asuntos Indígenas*), seemingly patterned after Leguía's *Patronato de la Raza*.[67] Both were extra-governmental agencies created to aid the Indian and both failed. Little was heard of the Council after its creation; it made no lasting contributions to Indian integration.

Benavides' personal evaluation of his record in Indian affairs was that although he had not solved the Indian problem, he had at least won Indian confidence which was the most important part of the battle.[68]

While it is true that he made some gains in Indian education and *comunidad* recognition, much of his program was meaningless. He effected many administrative changes and published several laws and decrees, but there was little substance in the administrative changes and almost none of the laws and decrees was enforced. Benavides' most important contribution to Indians occurred in 1939 when he stepped down as President and allowed new elections to be held.

Benavides' handpicked successor, Manuel Prado y Ugarteche, called for immediate Indian integration. Early in the presidential campaign, he stated that the Indian was the forgotten man of the nation and had lived in a state of feudalism since the days of the conquest, a condition which had to be altered if Peru was to progress.[69] Unlike the promises of others, Prado's words presaged action. He created in February, 1940,

[66] N. Saturnino Vara Cadillo, *La trata de indios en la construcción de la carretera Huánuco-Pucalpa. Documentos parlamentarios* (Lima: Partido Socialista del Perú, 1936).

[67] PMTAI, *Legislación*, 46-47. See also the bylaws of the Council in *Ibid.*, 48-52.

[68] Benavides, *El General Benavides a la nación—1939*, 39.

[69] Manuel Prado, *Un año de gobierno. Discursos de Manuel Prado. 1939—8 de diciembre de 1940* (Lima: El Universal, 1941), 22, 51-52, 55, 347, 349-351, 393-394, 403-404, 413-414, 531-533, 540-541.

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six rural normal schools for the training of Indian teachers in the departments of Apurímac, Ayacucho, Cajamarca, Cuzco, Junín, and Puno. Each had an attached Indian primary school.[70] The 1940 educational budget of more than one billion *soles*, the highest in Peru's history, included 120,000 *soles* for the normal schools. Prado envisioned the training of thousands of teachers who would lift the cultural level of the Indian and enable him to produce more and thereby reduce his isolation.[71]

Prado emphasized rural education and special Indian schools throughout his term. Adopting the phrase, "to govern is to educate" as his official motto, he devoted lengthy sections of his annual messages to educational problems. He noted in 1942 that while there had been only one rural normal school in 1939, there were now ten with almost 600 teacher trainees and that additional construction was planned for both the sierra and the jungle.[72] There were nineteen by 1944, each with its own Indian school. The budget of the normal schools by 1945 had increased to almost 900,000 *soles*.[73] Prado also promoted adult Indian education, created a Bureau of Indian Culturalization in the Ministry of Education and promulgated a new educational law, sections of which dealt extensively with Indian needs.[74] Prado considered education one of his most successful programs. He asserted that 7196 literacy classes had begun by 1945 and more than half a million students had matriculated. Of the 363,525 students that took classes in 1944, he claimed, 140,000 or 40 per cent learned to read and write.[75]

Although there were gains in Indian education under Prado, lack of facilities and instructors prevented any widespread progress. Most Indians remained illiterate, without benefit of schools or teachers. Education, however, did not constitute the whole of Prado's Indian program. He created a free legal aid bureau (*Procuraduría de Indígenas*)

70 PMTAI, *Legislación*, 238-239.

71 Manuel Prado, *Mensaje presentado al Congreso por el señor Doctor Don Manuel Prado Presidente constitucional de la república* (Lima: n. p., 1940), 53-55, 58-59.

72 Manuel Prado, *Mensaje presentado al Congreso por el señor Doctor Don Manuel Prado Presidente constitucional de la república* (Lima: n. p., 1942), 77-78.

73 Manuel Prado, *Mensaje presentado al Congreso por el señor Doctor Don Manuel Prado Presidente constitucional de la república* (Lima: n. p., 1944), 68-70; and Manuel Prado, *Mensaje presentado al Congreso por el señor Doctor Don Manuel Prado Presidente constitucional de la república* (Lima: n. p., 1945), 75.

74 For the texts of several decrees and resolutions, see: PMTAI, *Legislación*, 204-214, 240-243. See also: Prado, *Mensaje al Congreso de 1942*, 72-73.

75 Prado, *Mensaje al Congreso de 1945*, 65-67. For a favorable view of the program, see: "El Presidente de la República," in *Perú en cifras*, 658-660.

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to represent Indians and Indian *comunidades*;[76] he recognized over 400 Indian *comunidades*,[77] and he attempted to foster economic development of the *comunidad* by expropriating a few small *haciendas*, by parcelling out several German and Japanese estates confiscated during the war, by enlarging existing *comunidades*, and by abolishing *comunidad* taxes.[78]

Perhaps Prado's most innovative creation was the Indian collective colonies. In 1942, he ordered the Bureau of Indian Affairs to establish such colonies and to foster in them the growth of small industries and modern agricultural practices.[79] By locating colonies on the eastern slopes of the Andes (the *montaña*), the administration hoped to relieve population pressure in the area around Lake Titicaca. Many of the colonies flourished under Prado, but under subsequent administrations they died for lack of attention and concern. Nevertheless, the Puno-Tambopata Program of the 1950's was an outgrowth of the Prado policy.

Even though the Congress did virtually nothing for the Indian during this period, the Indian record of the Prado administration was good. Substantial progress was made in the fields of education and economic development. Had the colony program been expanded it might have altered the economic and demographic picture of the sierra. It did, at any rate, represent a genuine effort to seek new solutions. The sincerity of purpose under Prado, so lacking during previous presidencies, was reflected in the tone of the ministerial and executive documents, as well as by concrete achievements. What had been accomplished under Prado, however, was destroyed during the political upheaval of 1945-1948 and by the complete disinterest of Manuel Odría, President from 1948-1956.

[76] PMTAI, *Legislación*, 89-93. The original idea for creation of the bureau had been presented in Congress by Deputy M. Leopoldo García from Huancayo. See: PDD, Ordinario de 1941, Diputados, August 27, 1941, 371-372.

[77] Dobyns, *The Social Matrix*, 3. See also: Manuel Prado, *Mensaje presentado al Congreso por el señor Doctor Don Manuel Prado Presidente constitucional de la república* (Lima: n.p., 1941), 235; Prado, *Mensaje al Congreso de 1942*, 248; Manuel Prado, *Mensaje presentado al Congreso por el señor Doctor Don Manuel Prado Presidente constitucional de la republica* (Lima: n.p., 1943), 57-58; and Prado, *Mensaje al Congreso de 1945*, 56-57.

[78] PMTAI, *Legislación*, 196-197, 296-297; José Varallanos, *Legislación indiana republicana; compilación de leyes, decretos, jurisprudencia judicial, administrativa y demás vigentes sobre el indígena y sus communidades* (Lima: C.I.P., 1947), 94-95; Prado, *Mensaje al Congreso de 1941*, 237-238; and Prado, *Mensaje al Congreso de 1942*, 247.

[79] Archivo Vilquechico, Box I of Puno-Tambopata, Files Relating to Indian Comunidades, Instituto Indigenista Peruano, Ministerio de Trabajo y Comunidades, Lima, Peru.

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A new political group, the National Democratic Front, emerged for the 1945 elections. The Apristas, legalized for the first time in more than a decade, supported the Front and its candidate, José Luis Bustamante y Rivero. Bustamante was elected and the Apristas won 18 seats in the Senate and 48 in the Chamber of Deputies. Though they asserted that they intended to follow their political program of 1931-1933 with its emphasis on Indian integration, Haya de la Torre and the Apristas moved toward the political center. The Apristas did not introduce a comprehensive land reform law, but rather treated each land dispute and each *comunidad* as a separate, isolated case. Their success was limited. In fact only one *hacienda* was expropriated in the years, 1945-1948.[80]

The only important Indian legislation enacted during the Bustamante period was the 1947 *yanacona* law. The form of sharecropping known as *yanaconaje* is still practiced in Peru today. The tenant or *yanacona* is given a piece of land by the owner, told what crops to plant, and supplied with the seeds, fertilizer, animals, and tools necessary for production. The *yanacona* traditionally had to sell his produce to the landowner at a predetermined price, well below the current market rates. His share of the crop, also predetermined, was a fixed amount rather than a percentage. If the crop failed, the *yanacona* was still held responsible for the cost of the supplies. The *yanacona* was given irrigation water only at the sufferance of the owner, usually after the owner had utilized all he wanted. He was often forced to perform free labor on the *hacienda*. Written contracts were rare. The *yanacona* almost never gained status under the system and more often than not was the victim of severe exploitation.[81]

For decades *indigenistas* had demanded reforms in this system or its outright abolition. The Apristas in 1945 resurrected a 1930's *yanacona* proposal and demanded its passage.[82] Approved after more than a year of debate, the most important points of the law were as follows: all contracts were to be written and were to include name, age, address, finger prints, civil state of both parties, a detailed description of the plot, a statement of whether the rent was to be paid in money or in kind, the exact portion of the crops that the *yanacona* owed, and an agreement

[80] The one hacienda was Santa Urusula in Cajamarca. See: PDD, 2nd Extraordinario de 1946, Diputados, February 28, 1947, IV, 206-212; and PMTAI, *Legislación*, 196.

[81] For descriptions of *yanaconaje*, see: Hildebrando Castro Pozo, *Del ayllu al cooperativismo socialista* (Lima: P. Barrantes Castro, 1936), 215-217; and Thomas R. Ford, *Man and Land in Peru* (Gainesville: University of Florida Press, 1955), 86-87.

[82] PDD, Ordinario de 1945, Diputados, August 9, 1945, I, 175-176.

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regarding the use of irrigation water; the *yanacona* was not obligated to sell his crops or livestock to the landowner, nor to perform free services, nor to work on other than his own land, nor to buy his food, clothing, or any other items from the *hacienda* store; the duration of the contract was to be fixed by both parties, but the minimum period was three years and the *yanacona* could not be evicted before the end of six years; rent could not exceed 6 per cent of the value of the land; the landowner was required to provide living quarters for the *yanacona* or was to pay for construction costs; and in the event of crop failure the rent was to be decreased accordingly and suspended in the event of total disaster.[83]

The new law soon encountered difficulties. Many *hacendados*, rather than submit to the new regulations, simply evicted their *yanaconas*. Others, who had written contracts with their workers, substituted verbal agreements to avoid the paper work required by the law. The section which based the rent on the assessed value of the land was difficult to implement, and the courts were flooded with suits from both landowners and *yanaconas*.[84]

Governmental efforts to clarify the law and to establish procedures for its implementation failed, and consequently the law was never enforced.[85] The *hacendados* had won again, but the Apristas took credit for passage of the law and in subsequent years often pointed to it as an accomplishment.[86] Anti-Apristas attacked the law and APRA's role in formulating it. Claiming that it had resulted in further oppression of the *yanacona*, they said it should be known as the Law of the *Hacendado*.[87]

[83] For the text, see: PMTAI, *Legislación*, 144-151. For text plus subsequent amendments and an explanation of each article, see: Leonor Breña Pacheco and Nelson Cáceres A., *Legislación de yanaconaje. Contiene todas las leyes, reglamentos y ejecutorias supremas hasta la fecha* (Lima: Editorial "Jolay," 1951), 3-32.

[84] See a speech by Deputy Albino Molina Sánchez from Ica in PDD, Ordinario de 1947, Diputados, August 14, 1947, I, 25-26. See also: *Ibid.*, August 18, 1947, I, 55-57, and September 16, 1947, I, 187-188; and Ford, *Mand and Land,* 84-88.

[85] See: Supreme Decrees of June 22, 1947, and July 10, 1948, and Supreme Resolution of April 7, 1948 in PMTAI, *Legislación*, 151-156. See also: J. V. Fajardo, *Legislación, indígena del Perú* (Lima: Editorial Mercurio, S. A., n. d.,), 108-109.

[86] See: Mario Peláez Bazán, *De la provincia al aprismo* (Lima: Talleres Gráficos EETSA, 1961), 82; and Alfredo Saco Miró Quesada, *Programa agrario del aprismo* (Lima Ediciones Populares, 1946), 24-25.

[87] Alfredo Hernández Urbina, *Los Partidos y la crisis del Apra* (Lima: Ediciones Raíz, 1956), 74-75; and Magda Portal, *¿Quiénes traicionaron al pueblo?* (Lima: Empresa Editora "Salas é Hijos," 1950), 14.

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The Indian record of the Bustamante administration is mediocre. While his running battle with APRA precluded full attention to other domestic matters, Bustamante committed neither himself nor his administration to Indian reform. In fact, he undid much of the progress of the Prado administration in regard to Indian education and Indian colonization.

Aside from opportunistic proposals and demagoguery, the conduct of the government of Peru toward the Indian population during the first half of the twentieth century remained poor. Political parties incorporated Indian planks into their programs and politicians climbed on the *indigenista* bandwagon, but few of those in policy-making positions proved sincere. The paltry Indian legislation passed generally remained unimplemented. Decrees could be issued and laws passed in the urban atmosphere of Lima without unduly frightening rural *hacendados*. Local enforcement, however, would have met fierce opposition, probably with negative consequences for national politicians. A significant factor was white and mestizo fear of bloody Indian revolts. The spectre of widespread racial war has been a part of the Peruvian psyche since the colonial period and many politicians have exploited this belief. That there has never existed a coordinated executive-legislative plan to effect profound change has been due both to apathy and to fear of the consequences.

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